

REMARKS

The Examiner's Action of July 7, 2003 has been received and its contents carefully considered. Reconsideration is respectfully requested in view of the Amendments and the following comments.

Claims 1, 8, 10, 12-15, 17, 18 and 21-26 have been cancelled without disclaimer or prejudice of the subject matter thereof. New claims 27 and 28 have been added. Claims 2-7, 9, 11, 16, 19, 20, 27 and 29 are currently pending in the instant application.

I. Cancelled Claims and New Claims

New claims 27 and 28 incorporate most of the subject matter of now cancelled claims 1 and 8, now cancelled. Claims 10, 12-15, 17, 18 and 21-26 have been cancelled without disclaimer or prejudice of the subject matter thereof for being drawn to non-elected subject matter.

II. Rejections under 35 USC 112, First and Second Paragraphs

Claims 1-9, 11, 16, 19 and 20 have been rejected under the first paragraph of Section 112 as failing to comply with the written description requirement.

Claims 1-9, 11, 16, 19 and 20 have been rejected under the second paragraph of Section 112 as being indefinite.

Reconsideration is respectfully requested.

The rejections of claims 1 and 8 have been mooted by virtue of the cancellation of those claims. It is submitted that the new claims 27 and 28, which incorporate most of the subject

matter of claims 1 and 8, respectively, have been written with the Examiner's comments having been taken into account, and fully comply with the requirements of Section 112, first and second paragraphs.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw her rejections of the claims under the first/second paragraphs of Section 112.

III. Rejection under 35 USC 102(b)

Claims 1-5 and 7-19 have been rejected under Section 102(b) as being anticipated by Wilkinson et al. Reconsideration is respectfully requested.

The rejection of claims 1 and 8 has been mooted by virtue of their cancellation.

In addition, it is noted that Wilkinson et al. do not disclose (or even suggest):

- A gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers and comprising:

two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell, each of the two plates further being bonded on another face thereof to the other one of the two plates to form the gas separator; and

a member located in a space defined between the two plates and bonding the two plates to one another, as recited in new independent claim 27; OR

- A method of manufacturing a gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers of the fuel cell, the method comprising:

providing two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell; and

bonding each of the two plates on another face thereof to the other one of the two plates to form the gas separator, *wherein bonding comprises placing a member in a space defined between the two plates such that the member is in contact with the two plates*, as recited in new independent claim 28.

Wilkinson et al. do not disclose a member that is placed between the space defined by two plates of a gas separator for bonding the plates together. In the instant invention as defined in independent claims 27 and 28, however, the member between the two plates of the separator bonds the two plates together, and the associated method comprises a bonding step that itself involves placing the member in the spaced between the two plates. The above feature is simply missing from Wilkinson et al.

In view of the above, it is submitted that independent claims 27 and 28 are patentable over the Wilkinson et al. It is further submitted that dependent claims 2-7, 9, 11, 16, 19 and 20 are likewise patentable over Wilkinson et al. by virtue of depending from one of independent claims 27 and 28, and further for the particular additional features that they recite.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw her rejection of the claims in view of Wilkinson et al.

III. Rejection under 35 USC 102(e)

Claims 1-9, 11, 16, 19 and 20 have been rejected under Section 102(e) as being clearly anticipated by Yoshimura et al.. Reconsideration is respectfully requested.

The rejection of claims 1 and 8 has been mooted by virtue of their cancellation.

In addition, it is noted that Yoshimura et al. fail to disclose (or even suggest):

- A gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers and comprising:

two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell, each of the two plates further being bonded on another face thereof to the other one of the two plates to form the gas separator; and

a member located in a space defined between the two plates and bonding the two plates to one another, as recited in new independent claim 27; OR

- A method of manufacturing a gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers of the fuel cell, the method comprising:

providing two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell; and

bonding each of the two plates on another face thereof to the other one of the two plates to form the gas separator, *wherein bonding comprises placing a member in a space defined between the two plates such that the member is in contact with the two plates*, as recited in new independent claim 28.

Yoshimura et al. do not disclose a member that is placed between the space defined by two plates of a gas separator for bonding the plates together. Yoshimura et al. bond their two plates together, leaving the option of leaving the space in between either empty or filled with an electrically conductive material. See Col. 13, lines 54-63. However, Yoshimura et al. do not disclose that the material bonds the two plates together. In the instant invention as defined in independent claims 27 and 28, however, the member between the two plates of the separator bonds the two plates together, and the associated method comprises a bonding step that itself involves placing the member in the space between the two plates. The above feature is simply missing from Yoshimura et al..

In view of the above, it is submitted that independent claims 27 and 28 are patentable over the Yoshimura et al.. It is further submitted that dependent claims 2-7, 9, 11, 16, 19 and 20 are likewise patentable over Yoshimura et al.. by virtue of depending from one of independent claims 27 and 28, and further for the particular additional features that they recite.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw her rejection of the claims in view of Yoshimura et al.

V. Rejection under 35 USC 102(e)/103(a)

Claims 1 and 3-5 have been rejected under Section 102(e)/103(a) as being anticipated by Mukohyama et al.. Reconsideration is respectfully requested.

The rejection of claims 1 and 8 has been mooted by virtue of their cancellation.

In addition, it is noted that Mukohyama et al. fail to disclose or even suggest:

- A gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers and comprising:

two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell, each of the two plates further being bonded on another face thereof to the other one of the two plates to form the gas separator; and

a member located in a space defined between the two plates and bonding the two plates to one another, as recited in new independent claim 27; OR

- A method of manufacturing a gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers of the fuel cell, the method comprising:

providing two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell; and

bonding each of the two plates on another face thereof to the other one of the two plates to form the gas separator, *wherein bonding comprises placing a member in a space defined between the two plates such that the member is in contact with the two plates*, as recited in new independent claim 28.

Mukohyama et al. do not disclose a member that is placed between the space defined by two plates of a gas separate for bonding the plates together. In the instant invention as defined in independent claims 27 and 28, however, the member between the two plates of the separator bonds the two plates together, and the associated method comprises a bonding step that itself involves placing the member in the spaced between the two plates. The above feature is simply missing from Mukohyama et al..

In view of the above, it is submitted that independent claim 27 is patentable over the Mukohyama et al.. It is further submitted that dependent claims 3-5 are likewise patentable over Mukohyama et al.. by virtue of depending from independent claim 27, and further for the particular additional features that they recite.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw her rejection of the claims in view of Mukohyama et al.

V. Rejections under 35 USC 103(a)

Claims 1, 3-5 and 7 have been rejected under Section 103(a) as being unpatentable over Mukohyama et al. in view of Walsh.

Claims 1-9, 11, 16, 19 and 20 have been rejected under Section 103(a) as being unpatentable over Yoshimura et al. in view of Walsh.

Claims 6 and 20 have been rejected under Section 103(a) as being unpatentable over Wilkinson et al. in view of Cisar et al.

Claims 6 and 20 have been rejected under Section 103(a) as being unpatentable over Wilkinson et al. in view of Wilson et al.

Reconsideration is respectfully requested.

The rejection of claims 1 and 8 has been mooted by virtue of their cancellation.

In addition, it is submitted that neither Walsh, nor Cisar et al. nor Wilson et al. overcome the deficiencies of either Mukohyama et al., Yoshimura et al., or Wilkinson et al. with respect to disclosing or even suggesting:

- A gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers and comprising:

two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell, each of the two plates further being bonded on another face thereof to the other one of the two plates to form the gas separator; and

a member located in a space defined between the two plates and bonding the two plates to one another, as recited in new independent claim 27; OR

- A method of manufacturing a gas separator for a fuel cell constructed as a laminate of plural layers including electrolyte layers and electrode layers, the gas separator being adapted to form one of the plural layers of the fuel cell, the method comprising:

providing two plates, each of the two plates defining a rugged shape on one face thereof adapted to define at least part of a flow path of a fluid passing inside the fuel cell; and

bonding each of the two plates on another face thereof to the other one of the two plates to form the gas separator, *wherein bonding comprises placing a member in a space defined between the two plates such that the member is in contact with the two plates*, as recited in new independent claim 28.

In view of the above, no reasonable combination of the references would result in the instant invention as recited in independent claims 27 and 28. Accordingly, independent claims 27 and 28 are patentable over the cited combination of references. In addition, dependent claims 2-7, 9, 11, 16, 19 and 20 are likewise patentable over the cited combination of references by virtue of depending from one of independent claims 27 and 28, and further for the particular additional features that they recite.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw her rejection of the claims under Section 103(a) as being unpatentable in view of Mukohyama et al. in view of Walsh, Yoshimura et al. in view of Walsh, Wilkinson et al, in view of Cisar et al., and Wilkinson et al. in view of Wilson et al.


CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration, withdrawal of all grounds of rejection and issuance of a Notice of Allowance are solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4296 to discuss any matter regarding this application.

Respectfully submitted,

Date: 12-08-03


Laleh Jalali,
Registration No. 40,031

KENYON & KENYON
1500 K Street, N. W , Suite 700
Washington, DC 20005-1257
(202) 220-4200 Telephone
(202) 220-4201 Facsimile

DC01 475203V1DOC